

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OLANDER D. CALBERT,

Petitioner,

Case No. 1:09cv266

v.

Hon. Robert J. Jonker

MARY BERGHUIS,

Respondent.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on April 7, 2009. At the request of the petitioner, the Court extended the time in which to file objections to June 5, 2009. The Court record reveals no objections have been filed.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed April 7, 2009, is approved and adopted as the opinion of the court.¹

IT IS ORDERED that the habeas corpus petition is **DENIED** as it is barred by the one-year statute of limitations.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473 (2000).

Dated: July 20, 2009

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

¹The Court approves and adopts the Report and Recommendation with a correction that does not materially affect the analysis in the case. Page five of the Report and Recommendation includes a statement that “[t]he remaining 98 days in Petitioner’s period of limitations expired on July 1, 2008.” That statement should read instead, “[t]he remaining 108 days in Petitioner’s period of limitations expired on July 14, 2009.”